



10-29-08

10-29-08  
RCE

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 10/567,585  
 Filing Date 09/15/2006  
 First Named Inventor Dennis Hill  
 Art Unit 3749  
 Examiner Name Patrick F. O'Reilly  
 Attorney Docket No. 7744.P003

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - a.  Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_ (Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.)
    - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - iii.  Other \_\_\_\_\_
  - b.  Enclosed
    - i.  Amendment/Reply
    - ii.  Affidavit(s)/Declaration(s)
    - iii.  Information Disclosure Statement (IDS)
    - iv.  Other \_\_\_\_\_
2. **Miscellaneous**
  - a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(l) required)
  - b.  Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.
  - a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666
    - i.  RCE fee required under 37 C.F.R. § 1.17(e)
    - ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
    - iii.  Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
    - iv.  Other \_\_\_\_\_
  - b.  Check in the amount of \$ \_\_\_\_\_ enclosed
  - c.  Payment by credit card (Form PTO-2038 enclosed)
 

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**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Lester J. Vincent Registration No. (Attorney/Agent) 31,460  
 Signature Lester J. Vincent Date October 27, 2008

### EXPRESS MAIL STATEMENT

"Express Mail" mailing label number: EM 141767611 US  
 Date of Deposit: October 27, 2007

I hereby state that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Alma Goldchain (Typed or printed name of person mailing paper or fee)  
Alma Goldchain (Signature of person mailing paper or fee)  
10/27/08 (Date Signed)

**AMENDMENT TRANSMITTAL****PATENT**

Application No.: 10/567,585  
Filing Date: 09/15/2006  
First Named Inventor Dennis Hill  
Examiner's Name: Patrick F. O'Reilly  
Art Unit: 3749  
Attorney Docket No.: 7744.P003

An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

- Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.  
 Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.  
 Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- Preliminary Amendment  
 Amendment/Response with respect to Office Action  
 Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)  
 Notice of Appeal  
 RCE (Request for Continued Examination)  
 Supplemental Declaration  
 Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)  
 Information Disclosure Statement (IDS)  
 Copies of IDS citations  
 Petition for Extension of Time  
 Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)  
 Cross-Reference to Related Application(s)  
 Certified Copy of Priority Document  
 Other: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Check(s)  
 Postcard (Return Receipt)

**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

TYPED OR PRINTED NAME: Lester J. Vincent

SIGNATURE:

REG. NO.: 31,460DATE: October 27, 2008ADDRESS: 1279 Oakmead ParkwaySunnyvale, California 94085-4040TELEPHONE NO.: (408) 720-8300**EXPRESS MAIL STATEMENT**"Express Mail" mailing label number: EM 141767611 USDate of Deposit: October 27, 2007

I hereby state that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Alma Goldchain

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

(Date Signed)

**FEE TRANSMITTAL FOR FY 2009**

Effective on 10/02/2008. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**TOTAL AMOUNT OF PAYMENT (\$)** 405.00**Complete if Known:**

Application No. 10/567,585  
 Filing Date 09/15/2006  
 First Named Inventor Dennis Hill  
 Examiner Name Patrick F. O'Reilly  
 Art Unit 3749  
 Attorney Docket No. 7744.P003

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify)

Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

- Charge fee(s) indicated below.
- Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.
- Charge fee(s) indicated below except for the filing fee
- Credit any overpayments.
- Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.  
 Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity	Small Entity	Fee Description	Fees Paid (\$)
Fee	Fee	Fee	
Code	(\$)	Code	(\$)
1011	330	2011	Utility application filing fee
1111	540	2111	Utility search fee
1311	220	2311	Utility examination fee
1012	220	2012	Design application filing fee
1112	100	2112	Design search fee
1312	140	2312	Design examination fee
1013	220	2013	Plant filing fee
1113	330	2113	Plant search fee
1313	170	2313	Plant examination fee
1014	330	2014	Reissue filing fee
1114	540	2114	Reissue search fee
1314	650	2314	Reissue examination fee
1005	220	2005	Provisional application filing fee
			\$ _____
		<b>SUBTOTAL (1)</b>	<b>\$0.00</b>

## 2. EXCESS CLAIM FEES

### Fee Description

<u>Large Entity</u>		<u>Small Entity</u>	
Fee Code	Fee (\$)	Fee Code	Fee (\$)

Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>
1202	52	2202	26	Each claim over 20
1201	220	2201	110	Each independent claim over 3
1203	390	2203	195	Multiple dependent claims, if not paid
1204	220	2204	110	Reissue: each claim over 20 and more than in the original patent
1205	52	2205	26	Reissue: each independent claim more than in the original patent

<u>Extra Claims</u>	<u>Fee</u>	<u>Fees Paid (\$)</u>
Total Claims <u>12</u> - 20 or HP = <u>0</u>	X \$ 52.00	= \$0.00
HP = highest number of total claims paid for, if greater than 20		
Independent Claims <u>2</u> - 3 or HP = <u>0</u>	X \$220.00	= \$0.00
HP = highest number of independent claims paid for, if greater than 3		
Multiple Dependent Claims	<u>                        </u> = <u>                        </u>	
	SUBTOTAL (2) \$ <u>0.00</u>	

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
	- 100 = _____ / 50 = _____ (round up to whole number)	X \$270.00		

<u>Large Entity</u>		<u>Small Entity</u>	
Fee Code	Fee (\$)	Fee Code	Fee (\$)

Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description:</u> Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):
1081	270	2081	135	Utility
1082	270	2082	135	Design
1083	270	2083	135	Plant
1084	270	2084	135	Reissue
1085.....270	2085	135		Provisional

SUBTOTAL (3) \$ 0.00

**FEE CALCULATION (continued)****4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)				<u>Fees Paid (\$)</u>
<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>		
Fee	Fee	Fee	Fee	
Code	(\$)	Code	(\$)	
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1813	8,800	1813	8,800	Request for inter parties reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	130	2251	65	Extension for reply within first month
1252	490	2252	245	Extension for reply within second month
1253	1,110	2253	555	Extension for reply within third month
1254	1,730	2254	865	Extension for reply within fourth month
1255	2,350	2255	1,175	Extension for reply within fifth month
1401	540	2401	270	Notice of Appeal
1402	540	2402	270	Filing a brief in support of an appeal
1403	1,080	2403	540	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	540	2452	270	Petition to revive – unavoidable
1453	1,620	2453	810	Petition to revive - unintentional
1501	1,510	2501	755	Utility issue fee (or reissue)
1502	860	2502	430	Design issue fee
1503	1,190	2503	595	Plant issue fee
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	810	2809	405	For filing a submission after final rejection (see 37 CFR 1.129(a))
1814	140	2814	70	Statutory Disclaimer
1810	810	2810	405	For each additional invention to be examined (see 37 CFR 1.129(b))
1801	810	2801	405	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.
1505	300	1505	300	Publication fee for republication
1803	130	1803	130	Request for voluntary publication or republication
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)
1454	1,410	1454	1,410	Acceptance of unintentionally delayed claim for priority

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

SUBTOTAL (4) \$ 405.00

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Lester J. VincentSignature: [Signature] Date: October 27, 2008Reg. Number: 31,460 Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450